UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,021	08/17/2000	Alan B. Cayton	59428-P001US-10020580	4559

			EXAMINER
29053	7590	01/09/2004	OUELLETTE, JONATHAN P

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ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE f this communication appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 October 2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-77</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-77</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

    rejections set forth in this Office action:

    > (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
    > in section 102 of this title, if the differences between the subject matter sought to be patented and the
    > prior art are such that the subject matter as a whole would have been obvious at the time the invention
    > was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
    > shall not be negatived by the manner in which the invention was made.

2. <u>Claims 1-3, 5-20, 28-43, 46, and 48-70</u> are rejected under 35 U.S.C. 103(a) as being

    <u>unpatentable over Dewar (US 2002/0055866 A1).</u>

3. As per independent Claims 1, 30, 54, and 62, Dewar discloses a method (system, computer

    executable program code, or business method) for qualifying candidates for employment

    with an employer, said method (system, computer executable program code, or business

    method) comprising: executing a computer program, said computer program receiving as

    input from said employer a desired hiring criteria of said employer (60/211,044 - Fig.4);

    based on said desired hiring criteria of said employer, said computer program generating at

    least one customized application program that is executable to interact with candidates for

    employment with said employer and determine whether each of said candidates is qualified

    for employment with said employer (60/211,044 - Figs.2-3); allowing said candidates access

    to the at least one generated customized application program; and responsive to input from

    each of said candidates to the at least one generated customized application program,

    (60/211,044 - Figs.2-4). (60/211,044 - pp.7-12, Figs.1-4)

4. Dewar fails to expressly disclose wherein said at least one generated customized application program automatically determines whether each of said candidates qualifies for a position of employment with the employer.

5. However, Dewar does disclose a system that evaluates job candidates through an interactive phone/internet testing procedure, and provides a summary report of candidate evaluation results (Fig.4).

6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said at least one generated customized application program automatically determines whether each of said candidates qualifies for a position of employment with the employer, in the system disclosed by Dewar, for the advantage of providing a method of screening employment candidates with the ability to increase system efficiency by providing the employer with a listing of qualified candidates.

7. As per Claims 2 and 34, Dewar discloses wherein said desired hiring criteria includes at least one criteria selected from the group consisting of: candidate's education, candidate's work experience, candidate's possessing a particular license, candidate's language skills, and candidate's computer skills (pp.10-11).

8. As per Claim 3, Dewar discloses wherein said computer program provides a predetermined list of hiring criteria for selection by said employer as said desired hiring criteria.

9. As per Claims 5 and 35, Dewar discloses wherein said computer program includes a user interface for interacting with said employer to receive as input said desired hiring criteria from said employer.

10. As per Claim 6, Dewar discloses wherein said computer program receiving said desired

hiring criteria further includes: receiving said desired hiring criteria from a user interface.

11. As per Claim 7, Dewar discloses wherein said user interface is a separate program executable

to communicative with said computer program.

12. As per Claims 8, 36, and 57, Dewar discloses wherein said at least one customized

application program is executable to interact with a candidate to enable said candidate to self-

administer a qualification session for a position of employment with said employer.

13. As per Claims 9, 37, and 58, Dewar discloses wherein said at least one customized

application program enables access by one or more candidates via at least one

communication platform.

14. As per Claims 10, 38, and 59, Dewar discloses wherein said at least one communication

platform includes platforms selected from the group consisting of telephony-based platform,

web-based platform, and other processor-based platforms.

15. As per Claims 11, 39, and 60, Dewar discloses an IVR application that enables access by one

or more candidates via telephone.

16. As per Claims 12, 40, and 61, Dewar discloses wherein said at least one customized

application program includes a web-based application that enables access by one or more

candidates via a processor-based device via the World Wide Web.

17. As per Claims 13 and 41, Dewar discloses wherein said generating step includes: generating

a plurality of said customized application programs (Figs.2-4).

18. As per Claims 14 and 42, Dewar discloses wherein each of said plurality of customized application programs is executable to enable interaction with candidates via different communication platforms (pg.7-12, Internet and Telephone).

19. As per Claim 15, Dewar discloses said computer program receiving as input from said employer preferences of said employer as to characteristics of said at least one customized application program.

20. As per Claim 16, Dewar discloses wherein said computer program receives as input from said employer indication of one or more communication platforms on which said at least one customized application program is to enable access by candidates (pg.7-12, Internet and Telephone).

21. As per Claims 17 and 67, Dewar discloses wherein said at least one customized application program is executable to assist in further screening of candidates beyond determining whether based on said desired hiring criteria said candidates qualify for a position of employment with the employer.

22. As per Claims 18 and 68, Dewar discloses wherein said at least one customized application program is executable to schedule future testing with a candidate determined based on said desired hiring criteria to be qualified for a position of employment with the employer.

23. As per Claims 19 and 69, Dewar discloses wherein said at least one customized application program is executable to administer testing of a candidate determined based on said desired hiring criteria to be qualified for a position of employment with the employer.

24. As per Claims 20 and 70, Dewar discloses wherein said at least one customized application program is executable to schedule a future personal interview with hiring personnel of the

employer and a candidate determined based on said desired hiring criteria to be qualified for

a position of employment with the employer.

25. As per Claim 28, Dewar discloses the step of said at least one customized application

program outputting to a candidate determined by said customized application program as not

qualifying for a position of employment with the employer one or more reasons for said

candidate not qualifying.

26. As per Claim 29, Dewar discloses the step of storing to a database, information about a

candidate received by said at least one customized application.

27. As per Claim 31, Dewar discloses wherein said processor-based device is a device selected

from the group consisting of PC, workstation, laptop computer, and PDA.

28. As per Claim 32, Dewar discloses wherein said processor-based device is a server computer.

29. As per Claim 33, Dewar discloses wherein said server computer comprises a web server.

30. As per Claim 43, Dewar discloses an input device communicatively coupled to said

processor-based device to enable candidates to input supplemental materials to said

processor-based device.

31. As per Claim 46, Dewar discloses wherein said at least one application program is executable

to electronically communicate said supplemental materials to hiring personnel.

32. As per Claim 48, Dewar discloses a data storage device communicatively coupled to said

processor-based device to enable storage of data received by said at least one application

program.

33. As per Claim 49, Dewar discloses wherein said data storage device is at least one device

    selected from the group consisting of hard drive, floppy disk, Compact Disc (CD), Digital

    Versatile Disc (DVD), and other data storage devices.

34. As per Claims 50, 52, 63, and 65, Dewar discloses wherein said processor-based device is

    communicatively coupled to a communication network to enable access by said employer /

    candidates to said computer program via said communication network.

35. As per Claims 51, 53, 64, and 66, Dewar discloses wherein said communication network is a

    network selected from the group consisting of: PSTN, wireless communication network, a

    proprietary network, general purpose processor-based information network, dedicated

    communication lines, computer network, direct PC to PC connection, LAN, WAN, modem

    to modem connection, Internet, Intranet, Extranet, or any combination thereof.

36. As per Claim 55 as understood by the examiner, Dewar discloses wherein said code for

    presenting and code for generating are part of a common computer program.

37. As per Claim 56, Dewar discloses wherein said code for presenting and said code for

    generating are each part of separate computer programs that are capable of communicating

    with each other.

38. **Claims 4, 22-27, 44, 45, 47, and 72-77 are rejected under 35 U.S.C. 103(a) as being**

    unpatentable over Dewar in view of McGovern et al. (US 5,978,768).

39. As per Claim 4, Dewar fails to disclose wherein said computer program allows said employer

    to input additional hiring criteria not included on said predetermined list.

40. McGovern teaches wherein the employer can input specific job requirements – not included

    on a predetermined list (Fig.8, C9 L35-55).

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said computer program allows said employer to input additional hiring criteria not included on said predetermined list, as disclosed by McGovern in the system disclosed by Dewar, for the advantage of providing a method of screening employment candidates with the ability to increase customer satisfaction by allowing the employer to directly input specific job requirements.

42. As per Claims 22 and 72, Dewar fails to expressly disclose wherein said at least one customized application program is executable to forward supplemental materials to hiring personnel of the employer for a candidate determined based on said desired hiring criteria to be qualified for a position of employment with the employer.

43. McGovern teaches wherein supplemental materials (resumes) are forwarded to the hiring contact once a qualified candidate is determined (Fig.7, Figs.28-31, C15 L10-58).

44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said at least one customized application program is executable to forward supplemental materials to hiring personnel of the employer for a candidate determined based on said desired hiring criteria to be qualified for a position of employment with the employer, as disclosed by McGovern in the system disclosed by Dewar, for the advantage of providing a method of screening employment candidates with the ability to increase system effectiveness and efficiency, by providing the employer with additional decision making materials from the potential candidates.

45. As per Claims 23, 44, and 73, Dewar and McGovern disclose wherein said supplemental

materials include at least one of the materials selected from the group consisting of candidate

resume, writing sample, questionnaire, letter of recommendation, and school transcript.

46. As per Claims 24 and 74, Dewar and McGovern disclose wherein said at least one

customized application is executable to forward said supplemental materials to hiring

personnel electronically.

47. As per Claims 25, 47, and 75, Dewar and McGovern disclose wherein said at least one

customized application is executable to forward said supplemental materials to hiring

personnel via at least one communication method selected from the group consisting of e-

mail and fax.

48. As per Claims 26 and 76, Dewar and McGovern disclose the step of said at least one

customized application receiving said supplemental materials from a candidate.

49. As per Claims 27, 45, and 77, Dewar and McGovern disclose wherein said at least one

customized application receives said supplemental materials via at least one of the following

methods: fax, e-mail, and digital imaging device.

50. **Claims 21 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewar**

in view of Haverstock et al. (US 6,064,977).

51. As per Claims 21 and 71, Dewar fails to disclose wherein at least one customized application

program interacts with a calendaring program to schedule said future personal interview at a

time available for said hiring personnel.

52. Haverstock teaches disclose wherein at least one customized application program interacts with a calendaring program to schedule said future personal interview at a time available for said hiring personnel (C5 L7-65, C9 L19-44).

53. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein at least one customized application program interacts with a calendaring program to schedule said future personal interview at a time available for said hiring personnel, as disclosed by Haverstock in the system disclosed by Dewar, for the advantage of providing a method of screening employment candidates with the ability to increase the efficiency of the collaborating hiring process by integrating / streamlining the interview step (Haverstock: C9 L19-44).

Response to Arguments

54. Applicant's arguments with respect to claims 1-77 have been considered but are moot in view of the new ground(s) of rejection.

55. However, for the sake of increasing application prosecution time:

56. The applicant makes the argument that the prior art of Dewar cannot be used as prior art, by relying on the provisional date. However, the material used in the Dewar application to rejection the current application *was disclosed* in the provisional application – and is cited above for the independent claims.

57. The applicant also makes the argument that the prior art of Dewar fails to disclose a computer program generating at least on customized application program that is executable
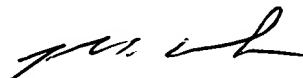
to interact with candidates for employment with said employer, as per independent claims 1, 30, 54, and 62.

58. However, as suggested by the applicant, the provisional application of Dewar (60/204,776) discloses a flow diagram (Fig.4), which explains how the invention compiles information and generates a customized program (ePredix Solution), which interacts with candidates for employment with said employer.

Conclusion

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

60. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

61. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

jo
January 5, 2004

JOHN G. WEISS
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